



PATENT  
ATTORNEY DOCKET NO. 77137

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: **Keith Dixon**  
Serial No.: **10/801,500**  
Filed: **March 15, 2004**  
Title: **CONTAINER WITH SLIDING  
LID**  
Group Art  
Unit: **1761**  
Examiner: **Not Yet Assigned**

**Confirmation No. 1831**

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12/16/04  
Date

B. Mansfield  
Bruce R. Mansfield  
Registration No. 29,086  
Attorney for Applicant(s)

**PETITION FOR REVIEW OF NOTIFICATION OF OMITTED ITEMS  
UNDER 37 CFR 1.53 (e)**

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

Applicants respectfully petition the Commissioner for review of the Notice of Apparent Omission of page 1 of the specification and request the Examiner to acknowledge that page 1 of the specification was in fact received by the US Patent and Trademark Office, and to perform an early examination and allowance of the application.

12/27/2004 LWONDIM1 00000026 051135 10301500

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## **INTRODUCTION**

The above-captioned United States Patent Application was filed under 37 CFR 1.53 (b) and a notice of apparent omission was contained in a Notice To File Missing Parts Of Nonprovisional Application filed under 37 CFR 1.53 (b) mailed October 22, 2004 (copy enclosed).

This submission is a partial response to the Notice To File Missing Parts and is directed to that part of the Notice To File Missing Parts pertaining to the notice of apparent omission of page 1 of the specification of the application.

Applicants respectfully assert that page 1 of the specification was not omitted from the application as originally filed. Applicants contend that the noted apparently omitted item was in fact deposited in the US Patent and Trademark Office with the nonprovisional application papers. A copy of page 1 of the specification noted as apparently omitted, the \$130.00 petition fee required under 37 CFR 1.17 (h) and evidence of such deposit accompanies this petition.

## **STATEMENT OF FACTS**

1. On March 15, 2004 page one of the specification and other application papers were submitted to the United States Patent and Trademark Office with both a certificate of mailing by "Express Mail" and with an accompanying return postcard (copy enclosed). A copy of the Utility Patent Application Transmittal bearing the Certificate of Mailing, and filed under the Certificate of Mailing by "Express Mail" and return postcard procedures is enclosed. A copy of the Express Mail Customer Copy is also enclosed.

2. The fourteen (14) pages of specification (including claims) referred to in the Utility Patent Application Transmittal filed under the Certificate of Mailing by "Express Mail" provision and also under the return postcard procedure are enclosed. Included, is the top sheet which comprises (the apparently missing) page 1 of the specification, bearing the

Serial No. 10/801,500  
Filed: March 15, 2004

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title of the application and a portion of the application entitled "Background of the Invention".

3. The enclosed return postcard stamped by the USPTO clearly refers to a specification containing fourteen (14) pages (see item 3 of the postcard) and item 1 of the postcard refers to the enclosed Utility Patent Application Transmittal. The enclosed Utility Patent Application Transmittal clearly states that "fourteen (14) pages of the specification (including claims) are enclosed".

### **CONCLUSION**

As can be seen from the above, page 1 of the specification was received by the U.S. Patent and Trademark Office along with other application papers as originally filed, as evidenced by enclosed copies of the return postcard and Utility Patent Application Transmittal and other papers filed under the Certificate of Mailing by "Express Mail" provisions.

Accordingly, in light of the above, it is respectfully requested that the application receive an early examination and notice of allowance.

Date:

12/16/04

Suite 1600  
120 South LaSalle Street  
Chicago, Illinois 60603-3406  
Telephone: (312) 577-7000  
Facsimile: (312) 577-7007  
356326

Respectfully submitted,  
FITCH, EVEN, TABIN & FLANNERY

By

Bruce R. Mansfield  
Registration No. 29,086



Inventors: Keith Dixon Atty Docket No. 1410/77137

Title: CONTAINER WITH SLIDING LID

Filed: Herewith

JES/sm

Application No.: N/A

Date Mailed: March 15, 2004

Transmitted herewith:

22859 U.S. PTO  
10/801500

1. Utility Patent Application Transmittal (3 pages in triplicate)
2. General Authorization for Petition for Extension of Time (1 page)
3. Specification (14 pages)
4. Formal Drawings (20 Figures/11 pages)
5. Unexecuted Declaration (3 pages)
6. Return Postcard



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Hon. Commissioner of Patents and Trademarks

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Respectfully,

FITCH, EVEN, TABIN & FLANNERY



Inventors: Keith Dixon Atty Docket No. 1410/77137

Title: CONTAINER WITH SLIDING LID

Filed: Herewith

JES/sm

Application No.: N/A

Date Mailed: March 15, 2004

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**UTILITY PATENT APPLICATION TRANSMITTAL**  
(for Noncontinuing, Nonprovisional Applications  
under 37 C.F.R. §1.53(b))

Attorney Docket No. 77137

Customer No. 22242

Mail Stop PATENT APPLICATION  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing under 37 C.F.R.  
§1.53(b) is the nonprovisional, noncontinuing  
patent application for:

Title: CONTAINER WITH SLIDING LID

First Named Inventor or Application Identifier:  
DIXON, Keith

**CERTIFICATE OF MAILING BY "EXPRESS MAIL"**

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Joseph E. Shipley

(Typed or printed name of person mailing)

[Signature]  
(Signature of person mailing)

- ☒ 14 pages of the specification (including claims) are enclosed.
- ☒ 11 sheet(s) of drawings are enclosed. ☐ Formal ☒ Informal
- ☐ An executed Oath or Declaration and Power of Attorney naming the actual inventors is enclosed.
- ☒ The names of persons believed to be the actual inventors are set forth in the enclosed unexecuted Oath or Declaration and Power of Attorney (§1.41(a) and §1.53(b)).
- ☐ An Assignment of the invention to \_\_\_\_\_, and cover sheet are enclosed.
- ☐ A check in the amount of \$\_\_\_\_\_ to cover the fee for recording the assignment is enclosed.
- ☐ The Recordation Form Cover Sheet includes authorization to charge our Deposit Account for recording the assignment.
- ☐ A 37 C.F.R. §3.73(b) statement is enclosed where an assignee seeks to take action.

- ☐ An Information Disclosure Statement is enclosed.
- ☐ A Form PTO/SB/08 is enclosed.
- ☐ \_\_\_\_ References (copies) listed as foreign patent documents or non-patent literature on Form PTO/SB/08 (37 C.F.R. § 1.98(a)(2)) are enclosed.
- ☒ A Return Receipt Postcard is enclosed (MPEP §503).
- ☐ Priority of application number \_\_\_\_ filed on \_\_\_\_ in \_\_\_\_ is claimed under 35 U.S.C. §119.
- ☐ A certified copy of the priority document is enclosed.
- ☐ A Computer Program Listing Appendix is enclosed.
- ☐ A Transmittal Cover Letter for Computer Program Listing Appendix is enclosed.
- ☐ Two (2) Compact Discs are enclosed.
- ☐ A Nucleotide and/or Amino Acid Sequence Submission is enclosed.
- ☐ A Computer Readable Copy is enclosed.
- ☐ A Paper Copy (Identical to Computer Copy) is enclosed.
- ☐ A Statement Verifying Identity of above Copies is enclosed.
- ☐ The filing fee is calculated below:

Fee Calculation For Claims As Filed

Basic Fee						\$	0.00
Independent Claims	____	-	3	=	0	x	\$ 86.00 = \$ 0.00
Total Claims	____	-	20	=	0	x	\$ 18.00 = \$ 0.00
Fee for Multiply Dependent Claims						\$ 290.00	
Total Filing Fee						\$	0.00

- ☐ Applicant(s) assert entitlement to Small Entity Status (37 C.F.R. § 1.27), reducing the Filing Fee by half to: \$ 0.00
- ☐ A check in the amount of \$\_\_\_\_ to cover the filing fee is enclosed.
- ☐ Charge \$\_\_\_\_ to Deposit Account No. 06-1135.
- ☒ The payment of the Filing Fee is to be deferred until the Declaration is filed. Do not charge our Deposit Account.

- ☒ A separate written request under 37 C.F.R. §1.136(a)(3), which is a general authorization to treat any concurrent or future reply requiring a petition for an extension of time under 37 C.F.R. §1.136(a) for its timely submission as incorporating a petition for an extension of time for the appropriate length of time, is enclosed.
- ☒ The Director is hereby authorized to charge any additional fees which may be required in this application under 37 C.F.R. §§1.16-1.17 during its entire pendency, or credit any overpayment, to Deposit Account No. 06-1135. Should no proper payment be enclosed herewith, the Director is authorized to charge the unpaid amount to Deposit Account No. 06-1135. This sheet is filed in triplicate.
- ☒ Address all future communications to CUSTOMER NUMBER 22242.

March 15, 2004

Date

  
\_\_\_\_\_  
Joseph E. Shipley  
Registration No. \_\_\_\_\_

31,137

FITCH, EVEN, TABIN & FLANNERY  
120 South LaSalle Street, Suite 1600  
Chicago, Illinois 60603-3406  
Telephone: (312) 577-7000  
Facsimile: (312) 577-7007